

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

ARLUTHA W. SMILEY

v.

UNITED STATES OF AMERICA

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2:05-CV-736-MHT
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ORDER

On February 22, 2006, the Magistrate Judge filed a Recommendation in this case to which no timely objections have been filed. Upon an independent review of the file in this case and upon consideration of the Recommendation of the Magistrate Judge, it is

ORDERED that the Recommendation be and is hereby ADOPTED and the motion filed by Smiley on October 1, 2004, is denied and this case is dismissed, as Smiley has failed to obtain the requisite order from the Eleventh Circuit Court of Appeals authorizing this court to consider a successive § 2255 motion.

Done this the 30th day of March, 2006.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE